

# South Dakota Home and Community Based Services Statewide Transition Plan

South Dakota Department of Social Services  
Division of Medical Services

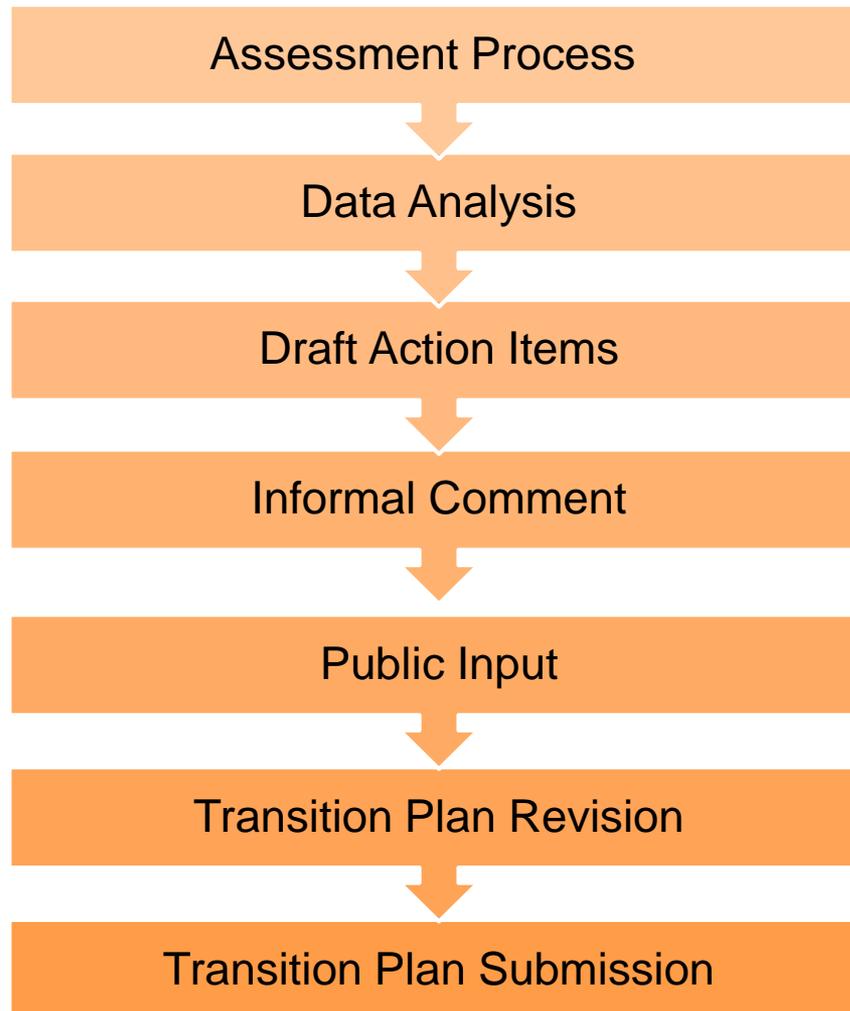


Advisory Council on Aging  
May 28, 2015

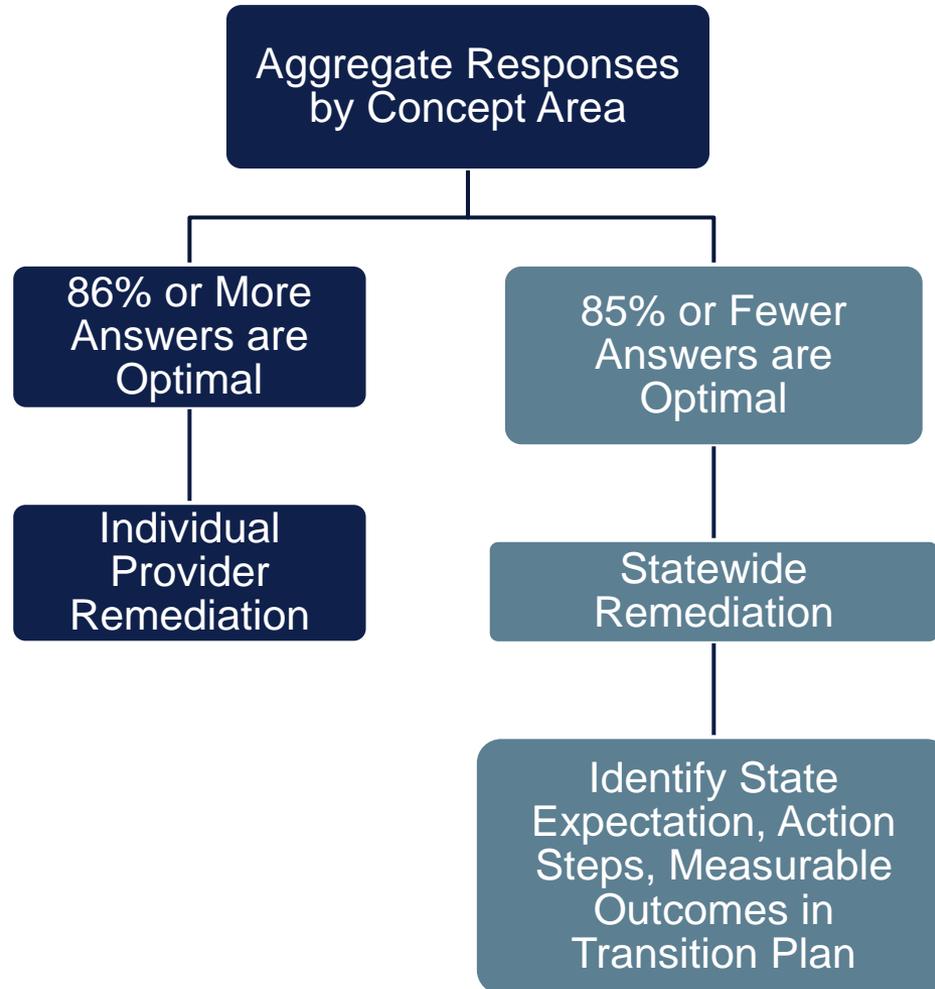
# HCBS FINAL RULE

- **CMS Published:** January 16, 2014
- **Effective Date:** March 17, 2014
- **CMS Final Rule Intent:**
  - Maximize the opportunities for participants in Home and Community Based Services (HCBS) programs to have access to the benefits of community living.
  - Allow participants to receive services in the most integrated setting.
- **All states required to submit Transition Plan to CMS by March 15, 2015**
- **SD submitted Transition Plan on March 12, 2015**

# TRANSITION PLANNING PROCESS



# DATA ANALYSIS



# REMEDIATION PROCESS

Education about State and Federal Expectations in Concept Area



Provider Re-Assess Concept Area



State Evaluation



Recommendations for Compliance



Attest to Compliance in Supplemental Agreement

# STATE EVALUATION

Onsite Assessment by ASA



Notification of non-compliance



Corrective Action/Plan



Reassessment by ASA

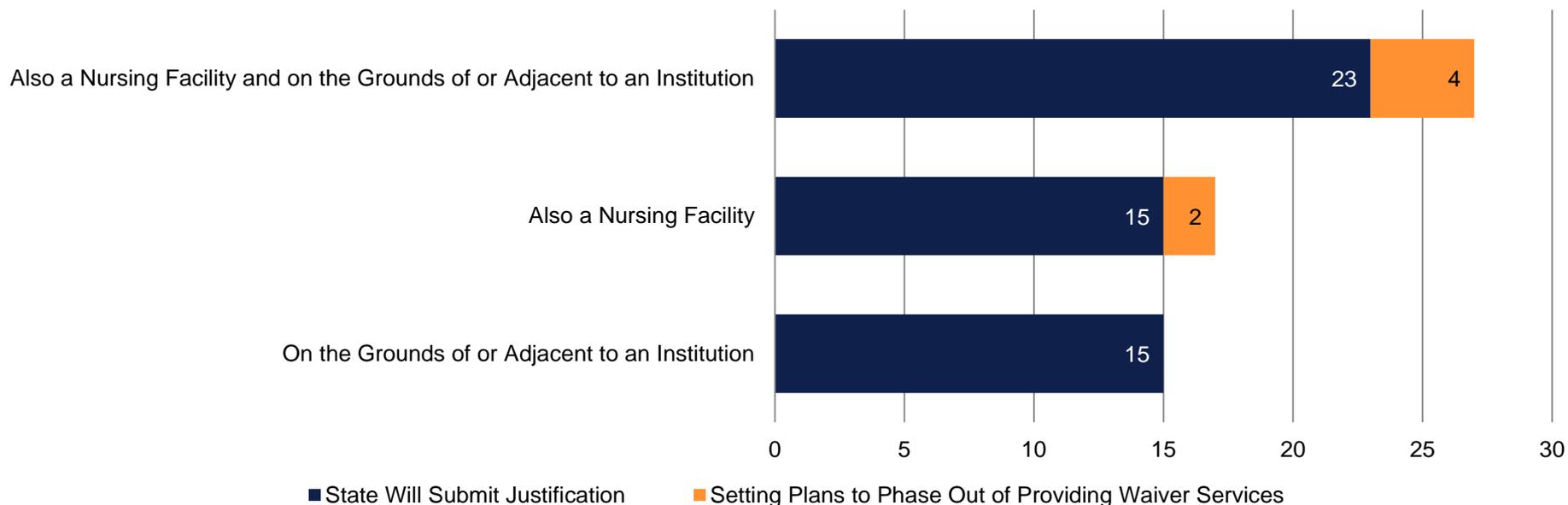


Compliance

# SETTINGS SUBJECT TO HEIGHTENED-SCRUTINY REVIEW

- CMS identified types of settings that are subject to heightened-scrutiny review because they are presumed to isolate individuals from the broader community or that have the qualities of an institution.
- DSS performed an on-site review of each setting subject to heightened-scrutiny review and initial results indicate settings are justifiably HCBS.

## REASONS FOR PRESUMED NON-COMPLIANCE



# SETTINGS SUBJECT TO HEIGHTENED-SCRUTINY REVIEW

- DSS finding presented in Transition Plan:
  - Most settings serve rural/frontier communities.
  - Some settings are the only available Assisted Living option in their community.
  - Assisted Living Residents receive separate services and function independently of the Nursing Facilities.
- CMS requires a formal heightened scrutiny waiver from the Secretary of Health and Human Services for these settings.

# HEIGHTENED SCRUTINY JUSTIFICATION

- DSS anticipates feedback from CMS regarding Heightened Scrutiny
- DSS anticipates heightened scrutiny to coincide with Waiver renewal in October 2016
- DSS will perform additional evaluation and review of sites prior to waiver renewal to include:
  - Site visits of Heightened Scrutiny Settings
  - Public input to justify settings that are home and community based

# CONCEPT AREAS BELOW 86% COMPLIANCE

## HCBS (ASA) Waiver

### PRIVACY

PROVIDERS  
88%

STAFF  
72%

INDIVIDUALS  
72%

DSS will address with Statewide Action Items

### LIVING ARRANGEMENTS

PROVIDERS  
79%

STAFF  
72%

INDIVIDUALS  
81%

DSS will address with Statewide Action Items

### COMMUNITY INTEGRATION

PROVIDERS  
85%

STAFF  
95%

INDIVIDUALS  
95%

DSS will address with Statewide Action Items

# PRIVACY

EXPECTATION	COMPLIANCE ACTION STEP	MEASURABLE OUTCOMES	AGENCY
<b>BEDROOM DOOR LOCKS</b>			
<b>In provider owned or leased properties, individuals should be able to lock the door to their bedroom from non-staff if capable.</b>	Educate providers of state and federal expectations.	Educational Webinar, Informational Bulletin	DSS
	Document health and welfare concerns in person-centered care plan.	100% compliance in quarterly plan reviews	DSS and Assisted Living Providers
	All provider-owned or leased settings have implemented locks for capable individuals.	100% compliance in annual site reviews	DSS and Assisted Living Providers

DSS will educate providers by January 31, 2016. 26 months for total implementation after education. Providers must offer bedroom door locks to all new AL residents starting on or before July 1, 2016. Lock installation may be staggered but must be completed by March 2018.

# PRIVACY

EXPECTATION	COMPLIANCE ACTION STEP	MEASURABLE OUTCOMES	AGENCY
<b>SHARED BEDROOMS</b>			
<b>Individuals will be offered a choice between setting options with private and shared bedrooms.</b>	Document setting choice between private and shared bedrooms in person-centered care plan.	100% compliance in quarterly plan reviews	DSS
<b>ROOMMATE CHOICE</b>			
<b>When an individual shares a bedroom, they will be able to choose their roommate.</b>	Educate providers of state and federal expectations.	Educational Webinar, Informational Bulletin	DSS
	Providers implement a policy that allows individuals choice of roommates as available.	100% compliance in annual site reviews	Assisted Living Providers

DSS will document individual choice between providers with shared bedrooms and providers with private bedrooms when entering an AL in the care plan starting on July 1, 2015. DSS will educate providers by June 30, 2015. 6 months for implementation after education. Providers must implement a roommate choice policy by December 31, 2015.

# LIVING ARRANGEMENTS

EXPECTATION	COMPLIANCE ACTION STEP	MEASURABLE OUTCOMES	AGENCY
<b>ACCESS TO FOOD</b>			
<b>Individuals are able to choose what time and where to eat. Individuals are able to make or request an alternative to any planned meals within their resources.</b>	Educate providers of state and federal expectations.	Educational Webinar, Informational Bulletin	DSS
	The setting offers reasonable alternative to planned meals.	100% compliance in annual site reviews	Assisted Living Providers
	Individuals are able to make an alternative meal within their resources.	100% compliance in annual site reviews	Assisted Living Providers
	All individuals can elect to eat at an alternative time.	100% compliance in annual site reviews	Assisted Living Providers
	All individuals can elect to eat in their room.	100% compliance in annual site reviews	Assisted Living Providers

DSS will educate providers by December 31, 2015. 38 months for implementation following education. Providers must begin facilitating supports in this area on or before July 1, 2016 with every setting fully compliant by March 2019.

# LIVING ARRANGEMENTS

EXPECTATION	COMPLIANCE ACTION STEP	MEASURABLE OUTCOMES	AGENCY
<b>IMMEDIATE ACCESS TO THE SETTING</b>			
<b>Individuals have immediate access to the setting 24/7.</b>	Educate providers of state and federal expectations.	Educational Webinar, Informational Bulletin	DSS
	All settings are immediately accessible to individuals 24/7 by key or other means such as setting staff, key pad/fob, etc.	100% compliance in annual site reviews	Assisted Living Providers

DSS will educate providers by February 2016. 25 months for full implementation following education. Providers must provide individuals immediate access to the setting beginning on or before July 1, 2016 with every setting compliant by March 2018.

# COMMUNITY INTEGRATION

EXPECTATION	COMPLIANCE ACTION STEP	MEASURABLE OUTCOMES	AGENCY
<b>ACCESS TO COMMUNITY ACTIVITIES AND EVENTS</b>			
<b>Providers facilitate access to community activities and events.</b>	Educate providers of state and federal expectations.	Statewide education; Webinars, FAQ, Annual Newsletter	DSS
	Collaborate with stakeholders and providers to perform further analysis.	Develop additional actions as needed.	DSS, Assisted Living Providers, Stakeholders
	Increase provider knowledge of use of natural supports.	Statewide education; Webinars, FAQ, Annual Newsletter	DSS

DSS will educate providers by July 31, 2016. DSS will collaborate with stakeholders and providers to perform further analysis by June 30, 2017.

DSS will provide additional education about using natural supports.

# COMMUNITY INTEGRATION

EXPECTATION	COMPLIANCE ACTION STEP	MEASURABLE OUTCOMES	AGENCY
<b>WORK/VOLUNTEER IN AN INTEGRATED SETTING</b>			
<b>Providers arrange supports for an individual to work or volunteer in an integrated setting when an individual is interested in working or volunteering.</b>	Educate providers of state and federal expectations.	Statewide education; Webinars, FAQ, Annual Newsletter	DSS
	Change HCBS (ASA) waiver eligibility requirements for earned income	2016 Waiver Renewal	DSS

DSS will educate providers by March 31, 2016. DSS will change the HCBS waiver requirements for earned income in the October 2016 waiver renewal.

# CONTINUOUS COMPLIANCE

- The requirements of the HCBS Final Rule will continue to apply to all waiver settings after the end of the Transition Plan Period.
  - All new settings will have to be compliant with the HCBS Final Rule to enroll as a waiver provider.

EXPECTATION	COMPLIANCE ACTION STEP	MEASURABLE OUTCOMES	AGENCY
<b>CONTINUOUS COMPLIANCE</b>			
<b>All settings are continuously compliant with the requirements of the HCBS Final Rule.</b>	Provider attest to compliance with HCBS requirements through a supplemental agreement.	Signed Supplemental Agreement with DSS	DSS and Assisted Living Providers
	Provider practices in the setting agree with their signed Supplemental Agreement.	100% compliance in annual site reviews	DSS and Assisted Living Providers

DSS will implement a supplemental agreement for waiver providers starting in SFY 2016. DSS will evaluate compliance with supplemental agreement in annual site reviews following implementation.

# NEXT 12 MONTHS- PRIVACY

ACTION STEP	SUB STEPS	TARGET COMPLETION	AGENCY
Privacy/roommate choice	Outreach to compliant providers to assist in education	05/30/2015	DSS/ASA
Privacy/roommate choice	3.1 Educate providers of state and federal expectations regarding roommate choice- WEBINAR	06/30/2015	DSS/ASA Assisted Living
Privacy/roommate choice	3.2 Providers implement a policy that allows individuals choice of roommates as available	12/31/2015	Assisted Living
Privacy/roommate choice	Provider submit roommate policy to ASA for review	12/31/2015	DSS/ASA Assisted Living

# NEXT 12 MONTHS- PRIVACY

ACTION STEP	SUB STEPS	TARGET COMPLETION	AGENCY
Privacy/shared bedrooms	2.1 Document setting choice between private and shared bedrooms in person-centered care plan	07/01/2015	DSS/ASA

# NEXT 12 MONTHS- PRIVACY

ACTION STEP	SUB STEPS	TARGET COMPLETION	AGENCY
Privacy/Door locks	Review state expectations with Department of Health	10/30/2015	DSS/ASA
Privacy/Door locks	Review state expectations with Fire Marshall	10/30/2015	DSS/ASA
Privacy/Door locks	Outreach to compliant providers to assist in education	12/30/2015	DSS/ASA
Privacy/Door locks	1.1 Educate providers of state and federal expectations/guidance regarding door locks- WEBINAR	01/31/2016	DSS/ASA Assisted Living

# NEXT 12 MONTHS- LIVING ARRANGEMENTS

ACTION STEP	SUB STEPS	TARGET COMPLETION	AGENCY
Living Arrangements/immediate access	Review state expectations with Department of Health	11/30/2015	DSS/ASA
Living Arrangements/immediate access	Outreach to compliant providers to assist in education	01/30/2016	DSS/ASA
Living Arrangements/immediate access	2.1 Educate providers about state and federal expectations regarding immediate access to setting- WEBINAR	02/28/2016	DSS/ASA Assisted Living

# NEXT 12 MONTHS- LIVING ARRANGEMENTS

ACTION STEP	SUB STEPS	TARGET COMPLETION	AGENCY
Living Arrangements/access to food	Outreach to compliant providers to assist in education	11/30/2015	DSS/ASA
Living Arrangements/access to food	1.1 Educate providers about state and federal expectations regarding meals/access to food- WEBINAR	12/31/2015	DSS/ASA Assisted Living

# NEXT 12 MONTHS- COMMUNITY INTEGRATION

ACTION STEP	SUB STEPS	TARGET COMPLETION	AGENCY
Community Integration/work and volunteer	Outreach to compliant providers to assist in education	12/30/2015	DSS/ASA
Community Integration/work and volunteer	2.1 Educate providers of state and federal expectations/guidance regarding individuals working/volunteering in the community- WEBINAR	03/31/2016	DSS/ASA Assisted Living

# CONCEPT AREAS ABOVE 86% COMPLIANCE

## HCBS (ASA) Waiver

### DIGNITY & RESPECT

PROVIDERS  
99%

STAFF  
99%

INDIVIDUALS  
94%

No Statewide Action Items; Will work with individual ALs to ensure compliance

### LOCATION

PROVIDERS  
88%

STAFF  
93%

INDIVIDUALS  
97%

No Statewide Action Items; Will work with individual ALs to ensure compliance

### PHYSICAL ACCESSIBILITY

PROVIDERS  
88%

STAFF  
96%

INDIVIDUALS

No Statewide Action Items; Will work with individual ALs to ensure compliance

### AUTONOMY

PROVIDERS  
97%

STAFF  
95%

INDIVIDUALS  
99%

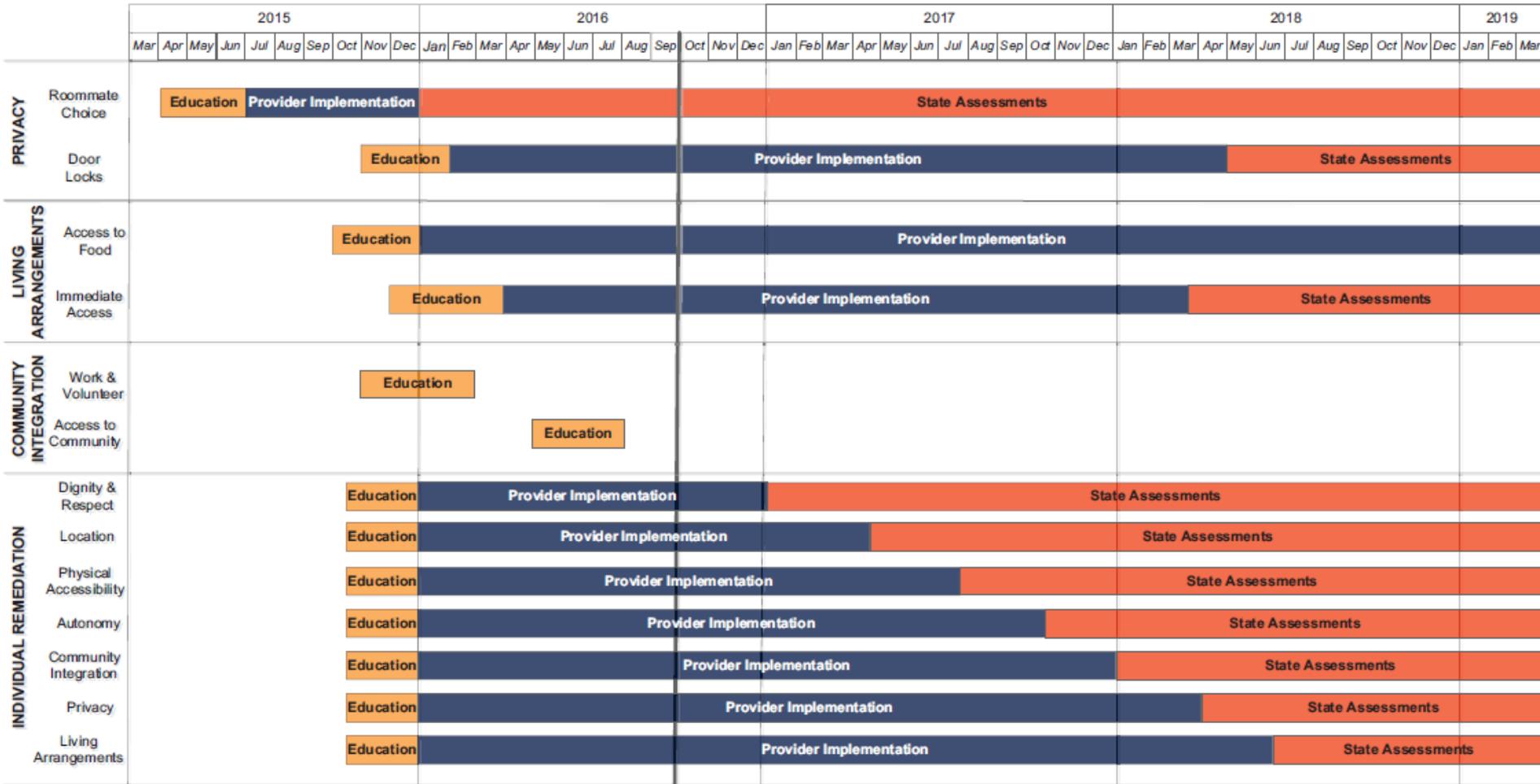
No Statewide Action Items; Will work with individual ALs to ensure compliance

# NEXT STEPS- INDIVIDUAL REMEDIATION

CONCEPT AREA	EDUCATION	REVIEW
DIGNITY AND RESPECT	December 2015-October 2016	January 2017
LOCATION	December 2015- January 2017	April 2017
PHYSICAL ACCESSIBILITY	December 2016-April 2017	July 2017
AUTONOMY	December 2015 - July 2017	October 2017

# TRANSITION PLAN TIMELINE

HCBS ASA Transition Plan  
Provider Specific Action Items and Timeline



2016 HCBS Waiver Renewal

# QUESTIONS?

We appreciate your time today and look forward to working with you to ensure individuals served by South Dakota's HCBS programs continue to receive quality supports and services in the community.